

REMARKS

Claims 1, 3, and 10 were rejected as anticipated by KIM 5,838,386. Claims 4-9 were rejected as unpatentable over KIM in view of HIRAKA et al. 6,400,377. Reconsideration and withdrawal of the rejections are respectfully requested.

KIM does not disclose the steps of actuating the bi-axial button in a first axis to select a function in a scrolling menu, and actuating the bi-axial button in the second axis to adjust a parameter of the selected function, and thus the claims avoid the rejection under §102.

KIM discloses a device (Figure 6, column 6, lines 18-30) in which the up/down/left/right arrows are merely used to position the pointer on the screen. That is, the arrows move the pointer over a function (e.g., channel, volume) so that the function may be selected with the center button (the square between the arrows). For example, if the pointer is positioned over "Ch 1" and the "select" button is operated, then channel 1 is selected. Similarly, if the pointer is positioned over the "Volume Δ" (element 68) and the "select" button is operated, then the volume is increased; conversely, the volume is decreased if element 69 is operated and the channel is changed up or down by operating elements 66 and 67. The up/down/left/right arrows do not select a function (this is performed by the "select" button) and do not adjust a parameter of the selected function (again, this is performed by operation of the "select" button when the

pointer is over the respective function). Note that the "select" button is not moved in the first/second axes to select or operate the function; it is merely pushed down.

The Official Action states (page 3) that the up/down buttons are used to increase/decrease the channel and volume. As just explained, this is not correct. The up/down buttons on the screen (elements 66-69) perform this function when operated by the "select" button. Indeed, the claim requires the bi-axial button to be actuated in a first axis to select a function and actuated in the second axis to adjust a parameter of the selected function. KIM does not disclose that a bi-axial button is operated in this manner.

Accordingly, the claims avoid the rejection under §102.

HIRAKA et al. do not make up these shortcomings and thus the claims also avoid the rejection under §103.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Thomas W. Perkins/
Thomas W. Perkins, Reg. No. 33,027
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

TWP/lad